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No. **2403**.....

United States Circuit Court of Appeals

FOR THE NINTH CIRCUIT

CHARLIE LOUIE, Plaintiff in Error,

vs.

UNITED STATES OF AMERICA, Defendant in Error.

TRANSCRIPT OF RECORD

Upon Writ of Error to the United States District Court for
the Western District of Washington, Northern Division.

FILED

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Court of appeals
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No.

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NAMES AND ADDRESSES OF COUNSEL

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United States District Court, Western District of Washington,
Northern Division.

May Term, 1913.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

INDICTMENT.

United States of America, Western District of Washington,
Northern Division.—ss.

The grand jurors of the United States of America, duly empaneled, sworn and charged to inquire within and for the Northern Division of the Western District of Washington, upon their oaths present:

COUNT I.

That heretofore, to-wit: On or about the 5th day of March, 1913, one Charlie Louie and one James A. Ralston, within the Northern Division of the Western District of Washington, and within the jurisdiction of this court, did wilfully, knowingly, unlawfully and feloniously receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of certain merchandise of foreign manufacture, to-wit: Sixty-four (64) five-tael tins of opium, prepared for smoking, after said opium had been imported into the United States contrary to law; and the said opium prior to the time when the said Charlie Louie and the said James A. Ralston did receive, conceal, buy, sell, and facilitate the transportation, concealment and sale thereof, as aforesaid, had been wilfully, knowingly, unlawfully and feloniously imported into the United States, into the Northern Division of the Western District of Washington, contrary to law, from some foreign country to the grand jurors unknown, by some person or persons to the grand jurors unknown, they, the said Charlie Louie and the said James A. Ralston then and there well knowing that the same had been imported as afore-

said into the United States contrary to law; against the peace and dignity of the United States of America, and contrary to the form of the statute in such cases made and provided.

COUNT II.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That heretofore, to-wit: On or about the 5th day of March, 1913, one James A. Ralston, within the Northern Division of the Western District of Washington, and within the jurisdiction of this court, did wilfully, knowingly, unlawfully and feloniously receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of certain merchandise of foreign manufacture, to-wit: Sixty-four (64) five-tael tins of opium, prepared for smoking, after said opium had been imported into the United States contrary to law; and the said opium prior to the time when the said James A. Ralston did receive, conceal, buy, sell, and facilitate the transportation, concealment and sale thereof, as aforesaid, had been wilfully, knowingly, unlawfully and feloniously imported into the United States, into the Northern Division of the Western District of Washington, contrary to law from some foreign country to the grand jurors unknown, by some person or persons to the grand jurors unknown, he, the said James A. Ralston then and there well knowing that the same had been imported as aforesaid into the United States contrary to law;

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That Charlie Louie did then and there on or about said 5th day of March, 1913, wilfully, knowingly, unlawfully and feloniously aid, abet, counsel, command, induce and procure the said James A. Ralston, as aforesaid, wilfully, knowingly, unlawfully and feloniously to receive, conceal, buy, sell and facilitate the transportation, concealment and sale of said opium, prepared as aforesaid, after the same had been imported contrary to law, as aforesaid, they, the said James A. Ralston and said Charlie Louie then and there well knowing that the same had been imported as aforesaid, into the United States contrary to law; against the peace and dignity of the United States of America, and contrary to the form of the statute in such case made and provided.

COUNT III.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That heretofore, to-wit: On or about the 5th day of March, 1913, one Charlie Louie and one James A. Ralston, within the Northern Division of the Western District of Washington, and within the jurisdiction of this court, did wilfully, knowingly, unlawfully and feloniously receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of certain merchandise of foreign manufacture, to-wit: Twenty-five (25) five-tael tins of opium prepared for smoking, after said opium had been imported into the United States contrary to law; and the said opium prior to the time when the said Charlie Louie and the said James A. Ralston did receive, conceal, buy, sell, and facilitate the transportation, concealment and sale thereof, as aforesaid, had been wilfully, knowingly, unlawfully and feloniously imported into the United States, into the Northern Division of the Western District of Washington, contrary to law, from some foreign country to the ground jurors unknown, by some person or persons to the grand jurors unknown, they, the said Charlie Louie and the said James A. Ralston then and there well knowing that the same had been imported as aforesaid into the United States contrary to law; against the peace and dignity of the United States of America, and contrary to the form of the statute in such case made and provided.

COUNT IV.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That heretofore, to-wit: On or about the 5th day of March, 1913, one James A. Ralston, within the Northern Division of the Western District of Washington, and within the jurisdiction of this court, did wilfully, knowingly, unlawfully and feloniously receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of certain merchandise of foreign manufacture, to-wit: Twenty-five (25) five-tael tins of opium, prepared for smoking, after said opium had been imported into the United States contrary to law; and the said opium prior to the time when the said James A. Ralston did receive, conceal, buy, sell, and facilitate the transportation, concealment and sale thereof, as aforesaid, had been wilfully, knowingly, unlawfully and

feloniously imported into the United States, into the Northern Division of the Western District of Washington, contrary to law from some foreign country to the grand jurors unknown by some person or persons to the grand jurors unknown;

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That Charlie Louie did then and there, on or about said 5th day of March, 1913, wilfully, knowingly, unlawfully and feloniously aid, abet, counsel, command, induce and procure the said James A. Ralston, as aforesaid, wilfully, knowingly, unlawfully and feloniously to receive, conceal, buy sell, and facilitate the transportation, concealment and sale of said opium, prepared as aforesaid, after the same had been imported contrary to law, as aforesaid, they, the said James A. Ralston and said Charlie Louie then and there well knowing that the same had been imported as aforesaid, into the United States contrary to law; against the peace and dignity of the United States of America, and contrary to the form of the statute in such case made and provided.

COUNT V.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That heretofore, to-wit: On or about the 5th day of March, 1913, one Charlie Louie and one James A. Ralston, within the Northern Division of the Western District of Washington, and within the jurisdiction of this court, did wilfully, knowingly, unlawfully and feloniously receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of certain merchandise of foreign manufacture, to-wit: Forty (40) five-tael tins of opium prepared for smoking, after said opium had been imported into the United States contrary to law; and the said opium prior to the time when the said Charlie Louie and the said James A. Ralston did receive, conceal, buy, sell, and facilitate the transportation, concealment and sale thereof, as aforesaid, had been wilfully, knowingly, unlawfully and feloniously imported into the United States, into the Northern Division of the Western District of Wahsington, contrary to law, from some foreign country to the grand jurors unknown, by some person or persons to the grand jurors unknown, they, the said Charlie Louie and the said James A. Ralston then and there well knowing that the same had been imported

as aforesaid into the United States contrary to law; against the peace and dignity of the United States of America, and contrary to the form of the statute in such case made and provided.

COUNT VI.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That heretofore, to-wit: On or about the 5th day of March, 1913, one James A. Ralston, within the Northern Division of the Western District of Washington, and within the jurisdiction of this court, did wilfully, knowingly, unlawfully and feloniously receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of certain merchandise of foreign manufacture, to-wit: Forty (40) five-*tael* tins of opium, prepared for smoking, after said opium had been imported into the United States contrary to law; and the said opium prior to the time when the said James A. Ralston did receive, conceal, buy, sell, and facilitate the transportation, concealment and sale thereof, as aforesaid, had been wilfully, knowingly, unlawfully and feloniously imported into the United States, into the Northern Division of the Western District of Washington, contrary to law from some foreign country to the grand jurors unknown, by some person or persons to the grand jurors unknown;

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That Charlie Louie did then and there, on or about said 5th day of March, 1913, wilfully, knowingly, unlawfully and feloniously aid, abet, counsel, command, induce and procure the said James A. Ralston, as aforesaid, wilfully, knowingly, unlawfully and feloniously to receive, conceal, buy, sell and facilitate the transportation, concealment and sale of said opium, prepared as aforesaid, after the same had been imported contrary to law, as aforesaid, they, the said James A. Ralston and the said Charlie Louie then and there well knowing that the same had been imported as aforesaid, into the United States contrary to law; against the peace and dignity of the statute in such case made and provided.

COUNT VII.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That heretofore, to-wit: On or about the 5th day of March, 1913, one Charlie Louie and one James A. Ralston, within the Northern Division of the Western District of Washington, and within the jurisdiction of this court, did wilfully, knowingly, unlawfully and feloniously receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of certain merchandise of foreign manufacture, to-wit: One Hundred and twenty-nine (129) five-tael tins of opium prepared for smoking, after said opium had been imported into the United States contrary to law; and the said opium prior to the time when the said Charlie Louie and the said James A. Ralston did receive, conceal, buy, sell, and facilitate the transportation, concealment and sale thereof, as aforesaid, had been wilfully, knowingly, unlawfully and feloniously imported into the United States, into the Northern Division of the Western District of Washington, contrary to law, from some foreign country to the grand jurors unknown, by some person or persons to the grand jurors unknown, they, the said Charlie Louie and the said James A. Ralston then and there well knowing that the same had been imported as aforesaid into the United States contrary to law; against the peace and dignity of the United States of America, and contrary to the form of the statute in such case made and provided.

COUNT VIII.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That heretofore, to-wit: On or about the 5th day of March, 1913, one James A. Ralston, within the Northern Division of the Western District of Washington, and within the jurisdiction of this court, did wilfully, knowingly, unlawfully and feloniously receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of certain merchandise of foreign manufacture, to-wit: One Hundred and Twenty-nine (129) five-tael tins of opium, prepared for smoking, after said opium had been imported into the United States contrary to law; and the said opium prior to the time when the said James A. Ralston did receive, conceal, buy, sell, and facilitate the transportation, concealment and sale thereof, as aforesaid, had been wilfully, knowingly, unlawfully and feloniously imported into the United States, into the Northern Division of the Western District of Washing-

ton, contrary to law from some foreign country to the grand jurors unknown, by some person or persons to the grand jurors unknown;

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That Charlie Louie did then and there, on or about said 5th day of March, 1913, wilfully, knowingly, unlawfully, and feloniously aid, abet, counsel, command, induce, and procure the said James A. Ralston, as aforesaid, wilfully, knowingly, unlawfully and feloniously to receive, conceal, buy, sell and facilitate the transportation, concealment and sale of said opium, prepared as aforesaid, after the same had been imported contrary to law, as aforesaid, they, the said James A. Ralston and the said Charlie Louie then and there well knowing that the same had been imported as aforesaid, into the United States contrary to law; against the peace and dignity of the United States of America, and contrary to the form of the statute in such case made and provided.

C. F. RIDDELL,
United States Attorney.

JOHN J. SULLIVAN,
Assistant United States Attorney.

Indorsed: The United States vs. Charlie Louie and James A. Ralston. Indictment for Violation of Act of Feb. 6, 1909. A True Bill. Theodore N. Haller, Foreman Grand Jury. Presented to the Court by the Foreman of the Grand Jury in open Court, in the presence of the Grand Jury and Filed in the U. S. District Court Sept. 12, 1913. Frank L. Crosby, Clerk.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

JAMES A. RALSTON AND CHARLIE LOUIE, Defendants.

PLEA OF FORMER ACQUITTAL

The defendant Charlie Louie, in his own person, and by his attorneys Vanderveer & Cummings, comes now into Court, and having heard the indictment read in the above entitled action, says that the United States of America ought not to further prosecute the said indictment against him, the said Charlie Louie, in respect to the offenses in the second, fourth, sixth and eighth counts of said indictment against him, the said Charlie Louie, because he says that heretofore, to-wit, on the 2nd day of April, 1913, in a term of the United States District Court, for the Western District of Washington, Northern Division, held at Seattle in said District, the Grand Jurors chosen, selected and sworn in and for said District, in the name of and by the authority of the United States of America, upon their oaths presented an indictment against him, the said Charlie Louie, which said indictment is in words and figures as follows:

In the District Court of the United States for the Western District of Washington. Northern Division.

November Term, 1912.

No. 2442

UNITED STATES OF AMERICA, Plaintiff,

vs.

JAMES A. RALSTON AND CHARLIE LOUIE, Defendants.

INDICTMENT

The United States of America, Western District of Washington, Northern Division—ss.

The grand jurors of the United States of America, duly empaneled, sworn and charged to inquire within and for the Northern Division of the Western District of Washington, upon their oaths present:

That heretofore, to-wit, on or about the 1st day of September, 1912, one James A. Ralston and one Charlie Louie, within the Northern Division of the Western District of Washington, to-wit, at the City of Seattle, County of King, State of Washington, did wilfully, knowingly, unlawfully, fraudulently and feloniously conspire, combine, confederate, and agree together to commit an offense against the United States in and by corruptly, wilfully, knowingly and fraudulently agreeing together fraudulently and knowingly to import and bring into the United States, and to assist in so importing and bringing into the United States as aforesaid opium prepared for smoking, and to receive, conceal, buy, sell and facilitate the transportation, concealment and sale of such opium, knowing the same to have been fraudulently imported contrary to law as aforesaid.

The subject matter of such unlawful conspiracy, the objects thereof, and the means by which said objects were to be effected, so far as known to these grand jurors are as follows, to-wit:

That on and prior to said 1st day of September, 1912, the said defendants, James A. Ralston and Charlie Louie, were in the City of Seattle, State of Washington, and within the Northern Division of the Western District of Washington, and that said Charlie Louie then and there was in

possession of certain funds, moneys and property with which to furnish the means to carry out said conspiracy; that the principal object of said unlawful conspiracy was that the said James A. Ralston should go to the Province of British Columbia, in the Dominion of Canada, and there, and at divers other places to the grand jurors unknown, should receive opium prepared for smoking purposes, and should fraudulently and knowingly import and bring into the United States, and assist in so importing and bringing in the said opium, and that the said Charlie Louie should thereafter receive said opium and transport, conceal and sell and should assist in the transportation, concealment and sale of such opium with the knowledge that the same had been imported contrary to law as aforesaid; that the said Charlie Louie should furnish the said James A. Ralston with the money wherewith to pay the expenses of his said trips to the Province of British Columbia, in the Dominion of Canada, and to divers other places to the grand jurors unknown, and wherewith to purchase opium prepared for smoking purposes.

And it was a further object of said conspiracy that the said Charlie Louie should pay to the said James A. Ralston certain sums of money, the exact amounts whereof are to the grand jurors unknown, as his part, reward, and compensation in the proceeds arising from the sale of said opium and that the said Charlie Louie should retain the balance of the proceeds and profits arising from the purchase, transportation and sale of said opium.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of such unlawful conspiracy, and during the continuance thereof, and to effect the object thereof, the said defendant, James A. Ralston, did, at the said City of Seattle, on or about the 1st day of December, 1912, fraudulently and knowingly import and bring into the United States, six (6) 5-tael tins of opium prepared for smoking.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of such unlawful conspiracy, and during the continuance thereof, and to effect the object thereof, the said defendant, Charlie Louie, did, at the said City of Seattle, on or about the 1st day of December, 1912,

receive and conceal six five-tael tins of opium prepared for smoking, he, the said Charlie Louie, then and there well knowing that the said opium had been fraudulently and knowingly imported and brought into the United States contrary to law as aforesaid.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of such unlawful conspiracy, and during the continuance thereof, and to effect the object thereof, the said defendant, Charlie Louie, did, on or about the 4th day of March, 1913, go to room number 303 of the premises known as the Carleton Apartments in the City of Seattle, in the State of Washington, and within the Northern Division of the Western District of Washington.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of such unlawful conspiracy, and during the continuance thereof, and to effect the object thereof, the said defendant, James A. Ralston, did, on or about the 5th day of March, 1913, have in his possession and conceal at the City of Seattle, in the State of Washington and within the Northern Division of the Western District of Washington, one hundred forty-nine (149) five-tael tins of opium prepared for smoking; he, the said James A. Ralston, then and there well knowing that the said opium had theretofore been fraudulently and knowingly imported and brought into the United States contrary to law as aforesaid.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of such unlawful conspiracy, and during the continuance thereof, and to effect the object thereof, the said defendant, James A. Ralston, did, on or about the 5th day of March, 1913, fraudulently and knowingly transport and facilitate in transporting and aid and assist in transporting one hundred forty-nine (149) five-tael tins of opium prepared for smoking, he, the said James A. Ralston, then and there well knowing that the said opium had theretofore been fraudulently and knowingly imported and brought into the United States contrary to law as aforesaid.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of such unlawful conspiracy, and during the continuance thereof, and to effect the object thereof, the said defendant, Charlie Louie, did, on or about the 5th day of March, 1913, go as a passenger in interstate commerce from the city of Seattle, in the State of Washington, to the City of Portland in the State of Oregon.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of such unlawful conspiracy, and during the continuance thereof, and to effect the object thereof, the said defendant, James A. Ralston, did, on or about the 5th day of March, 1913, have in his possession and conceal at the city of Seattle, in the State of Washington and within the Northern Division of the Western District of Washington, forty (40) five-tael tins of opium prepared for smoking, and said defendant, James A. Ralston, did, on or about the 5th day of March, 1913, fraudulently and knowingly transport and facilitate in transporting and aid and assist in transporting said forty (40) five-tael tins of opium prepared for smoking, he, the said James A. Ralston, then and there well knowing that the said opium had theretofore been fraudulently and knowingly imported and brought into the United States contrary to law as aforesaid.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of such unlawful conspiracy, and during the continuance thereof, and to effect the object thereof, the said defendant, James A. Ralston, did, on or about the 5th day of March, 1913, have in his possession and conceal at the city of Seattle, in the State of Washington, and within the Northern Division of the Western District of Washington, and fraudulently and knowingly transport and facilitate in transporting and aid and assist in transporting twenty-five five-tael tins of opium prepared for smoking, he, the said James A. Ralston, then and there well knowing that the said opium had thereafter been fraudulently and knowingly imported and brought into the United States contrary to law as aforesaid.

And the grand jurors aforesaid, upon their oaths aforesaid, do further present:

That after the formation of such unlawful conspiracy, and during the continuance thereof, and to effect the object thereof, the said defendant, James A. Ralston, did, on or about the 5th day of March, 1913, have in possession and conceal at the city of Seattle, in the State of Washington, and within the Northern Division of the Western District of Washington, and fraudulently and knowingly transport and facilitate in transporting and aid and assist in transporting sixty-four (64) five-*tael* tins of opium prepared for smoking, he, the said James A. Ralston, then and there well knowing that the said opium had theretofore been fraudulently and knowingly imported and brought into the United States contrary to law as aforesaid; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

C. F. RIDDELL,
United States Attorney.

Witnesses examined before grand jury:

GUS HAMER
O. Z. PERRY
EMMA FRYLAND
MAGGIE McLEAN.

To which said last mentioned indictment the said Charlie Louie pleaded "Not Guilty" and the said United States of America joined issue on said plea; that afterwards, to-wit, on the said 15th day of May, 1913, in the said District Court of the United States, for the Western District of Washington, Northern Division, a jury, duly and regularly summoned, impaneled and sworn to try the said issue joined as aforesaid, upon their oaths did find and say: that the said Charlie Louie was not guilty of the offense of which the said Charlie Louie was accused in said last mentioned indictment, and did say that the said Charlie Louie was not guilty of said offenses as charged in said indictment; as by the records in said court remaining more fully and at large appears, which said judgment of acquittal still remains in full force and effect, and not in the least reversed and

made void. And said Charlie Louie further says that the said Charlie Louie and the said Charlie Louie so indicted and acquitted are one and the same person and not other and different persons, and that the offense of which he, the said Charlie Louie was so indicted and acquitted as aforesaid, and the offenses of which he, the said Charlie Louie, is now indicted in said second, fourth, sixth and eighth counts of the indictment herein, are one and the same offense, and not other and different offenses, and that the acts and things charged in the said second, fourth, sixth and eighth counts of the indictment against the said Charlie Louie in this case are incidents included in the indictment heretofore rendered, and of which the said Charlie Louie was acquitted as aforesaid.

Wherefore he prays judgment if the United States of America ought further to prosecute the second, fourth, sixth and eighth counts of the indictment herein against him, and that he, the said Charlie Louie, may be dismissed and discharged from said second, fourth, sixth and eighth counts of said indictment.

VANDERVEER & CUMMINGS,

Attorneys for Defendant.

United States of America, Western District of Washington,
Northern Division—ss.

Charlie Louie, being first duly sworn, on oath deposes and says: That he is one of the defendants named in the above entitled action; that he has read the foregoing Plea of Former Acquittal, knows the contents thereof, and that the same is true.

CHARLIE LOUIE.

Subscribed and sworn to before me this 23rd day of September, A. D. 1913.

H. McC. BILLINGSLEY,

Notary Public in and for the State of Washington, residing at Seattle.

Copy of within Plea of Former Acquittal received and due service acknowledged this 24th day of Sept., 1913.

C. F. RIDDELL,

Attorney for Plaintiff.

Indorsed: Plea of Former Acquittal. Filed in the U. S. District Court, Western Dist. of Washington, Sept. 25, 1913. Frank L. Crosby, Clerk. By E. M. L.

In the District Court of the United States for the Western District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

JAMES A. RALSTON AND CHARLIE LOUIE, Defendants.

DEMURRER TO PLEA OF FORMER ACQUITTAL

Comes now the above named plaintiff by C. F. Riddell, United States Attorney for the Western District of Washington, and demurs to the plea of former acquittal heretofore entered herein by the above named defendant Charlie Louie, on the ground and for the reason that the same does not state facts sufficient to constitute a defense to the above entitled action, nor to any of the counts in said plea mentioned.

C. F. RIDDELL,

United States Attorney.

Received copy of within Demurrer this 29th day of September, 1913.

VANDERVEER & CUMMINGS,

Attys. for Charlie Louie.

Indorsed: Demurrer to Plea of Former Acquittal. Filed in the U. S. District Court, Western Dist. of Washington, Sep. 29, 1913, by E. C. Ellington, Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ORDER

The above entitled matter having come on duly and regularly for hearing on the demurrer of the United States to the plea of former acquittal heretofore interposed by the defendant, Charlie Louie, and the Court having listened to the argument of counsel, the said defendant, Charlie Louie, being present in Court and being represented by his attorneys, Vanderveer & Cummings, and the plaintiff appearing by C. F. Riddell, United States Attorney for the Western District of Washington;

It is Hereby Ordered that the said demurrer be, and the same hereby is sustained.

To the entry of this order the defendant excepts and his exception is hereby allowed.

Done in open court this 1st day of October, 1913.

EDWARD E. CUSHMAN, Judge.

Indorsed: Order Sustaining Demurrer of Plaintiff.
Filed in the U. S. District Court, Western Dist. of Washington, Oct. 1, 1913, Frank. L. Crosby, Clerk. By E. M. L., Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE, ET AL., Defendants.

VERDICT

We, the jury in the above entitled cause find
Defendant Charlie Louie is not guilty of Count I
Defendant Charlie Louie is guilty of Count II
Defendant Charlie Louie is not guilty of Count III
Defendant Charlie Louie is not guilty of Count IV
Defendant Charlie Louie is not guilty of Count V
Defendant Charlie Louie is not guilty of Count VI
Defendant Charlie Louie is not guilty of Count VII
Defendant Charlie Louie is not guilty of Count VIII

OLIVER P. ANDERSON, Foreman.

Indorsed: Verdict: Filed in the U. S. District Court,
Western District of Washington, Northern Division, Oct. 10,
1913. Frank L. Crosby, Clerk. By B. O. W., Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

STIPULATION EXTENDING TIME TO FILE BILL OF EXCEPTIONS

It is hereby stipulated and agreed by and between the
United States District Attorney, in and for the Western

District of Washington, Northern Division, Attorney for the plaintiff in the above entitled action, and Vanderveer & Cummings, attorneys for Charlie Louie, one of the defendants above named, that the time within which the defendant Charlie Louie may file a Bill of Exceptions herein may be extended for a period of thirty days from and after the 20th day of October, 1913.

Dated Seattle, Washington, October 14, 1913.

United States District Attorney.
By John J. Sullivan, Attorney for Plaintiff.

VANDERVEER & CUMMINGS,

Attorneys for Charlie Louie, one of
the defendants above named.

Indorsed: Stipulation Extending Time to File Bill of Exceptions. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Nov. 13, 1913. Frank L. Crosby, Clerk. By E. M. L., Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ORDER EXTENDING TIME FOR FILING BILL OF EXCEPTIONS

It coming on to be heard on motion of Vanderveer & Cummings, attorneys for Charlie Louie, one of the defendants in the above entitled action, for an order nunc pro tunc extending the time within which said defendant might file herein his Bill of Exceptions thirty days from and after the 20th day of October, 1913, and it appearing to the Court that no other extensions have been applied for or granted to the defendant herein for filing a Bill of Exceptions, and that the parties have heretofore, and on the 14th day of October, 1913, stipulated for the extension herein applied for,

it is now, therefore ordered that the time within which the defendant Charlie Louie shall be permitted to file herein his Bill of Exceptions be, and the same hereby is, extended thirty days from and after the 20th day of October, 1913, or to and inclusive of the 19th day of November, 1913.

It is further ordered that this order be entered nunc pro tunc as of the 14th day of October, 1913.

Done in open court this 12th day of November, A. D. 1913.

EDWARD E. CUSHMAN, Judge.

O. K. SULLIVAN, Asst. U. S. Atty.

Indorsed: Order Extending Time for Filing Bill of Exceptions. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Nov. 13, 1913. Frank L. Crosby, Clerk. By E. M. Lakin, Deputy.

In the District Court of the United States for the Western District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ASSIGNMENT OF ERRORS

Comes now the defendant Charlie Louie and files the following assignment of errors upon which he will rely in his prosecution of the Writ of Error in the above entitled cause:

1. That the Court erred in sustaining the demurrer interposed by the plaintiff herein to this defendant's plea of former acquittal filed herein to all counts of the indictment herein.

2. The Court erred in admitting in evidence, over this defendant's objection, Government's Exhibits 3 to 9 and 11 to 13 inclusive, and refusing and denying this defendant's motion to strike the same and withdraw the same from the consideration of the jury.

3. The Court erred in instructing the jury, upon the admission in evidence of Government's Exhibits 3 to 9 and 11 to 13 inclusive, as follows, to-wit:

"The Court: Gentlemen, you will understand that the charge of smuggling is made up of two elements, as nearly every other crime is, that is, his having, concealing, receiving and facilitating the transportation of opium with a certain knowledge. Now these letters are not admitted for the purpose of your determining whether he did have this opium in his possession or not, but solely bear on his knowledge and his means of knowledge, whether that will enable you at all to determine if the Government establishes that he had it in his possession whether it might have been accidentally or innocently."

4. The Court erred in instructing the jury, upon the admission in evidence of Government's Exhibits 3 to 9 and 11 to 13 inclusive as follows, to-wit:

"Gentlemen, so far as the Court recalls the testimony now, it is simply that these letters were found in his trunk. It is simply a circumstance you are authorized to consider."

5. The Court erred in admitting in evidence Government's Exhibit 2, and denying defendant's motion to strike the same and withdraw the same from the consideration of the jury.

6. The Court erred in admitting Government's Exhibit 1 for identification, and denying defendant's motion to strike the same and withdraw the same from the consideration of the jury.

7. The Court erred in admitting Government's Exhibit 14 for identification, and denying defendant's motion to strike the same and withdraw the same from the consideration of the jury.

8. The Court erred in permitting Government's witness Maggie MacLean to testify, over this defendant's objection, as to the visits of the defendant Ralston to the home of this defendant during the early part of the year 1913, and thereafter denying the motion of this defendant to strike the testimony.

9. The Court erred in instructing the jury upon the testimony of the witness Maggie MacLean, to the visits of the

defendant Ralston to the home of this defendant as follows, to-wit:

“The Court: The jury will understand that this defendant is acquitted on a former charge of conspiracy when he was charged with conspiring with a man by the name of Ralston to smuggle opium into this country, and certain overt acts were charged tending to carry that into effect. All through this case you must consider all of this evidence in the light of the established fact that he was innocent of that conspiracy. Now evidence has already gone in concerning these men visiting back and forth. You must consider that along with the light of the opportunity the defendant had to assist Ralston in smuggling opium, if he did have an opportunity and Ralston did smuggle opium, but you are not to consider it in the light of any agreement or plan or conspiring or combining by agreement between these men, because the defendant has been acquitted of that.”

10. The court erred in admitting in evidence over the objection of this defendant, Government's Exhibit 20 and in denying the motion of the defendant to strike the same and withdraw the same from the consideration of the jury.

11. The Court erred in denying this defendant's motion to strike the testimony of the witness A. B. Hamer as to a conversation between this defendant and one Emma Friedland occurring on the 10th day of April, 1913.

12. The Court erred in instructing the jury concerning the said testimony of the witness A. B. Hamer as follows, to-wit:

“The Court: The motion is denied, and an exception allowed. You are not to find him guilty of this charge. He may have been guilty of something else some other time, some other place, but it will be admitted for the purpose of your determining, if you find him at one time in the possession of opium whether or not that possession may have been innocent or incidental, or what his purpose or knowledge was concerning transactions of that kind. It is not admission for any other purpose.”

13. The Court erred in denying the motion of this defendant to strike the testimony of Marian Bergman concerning a conversation which occurred between this defendant and Emma Friedland on the 10th day of April, 1913.

14. The Court erred in instructing the jury as to the said testimony of the said Marian Bergman as follows, to-wit:

“You are instructed that evidence of other transactions is only admitted for the purpose of showing whether or not the defendant had any knowledge of opium.”

15. The Court erred in overruling the objection of this defendant to the following question propounded to the witness Emma Friedland:

“Q. Did he (meaning this defendant) ever call there for any opium?”

16. The Court erred in denying the motion of this defendant to strike the answer of Emma Friedland to the said question hereinbefore mentioned.

17. The Court erred in instructing the jury on the testimony of Emma Friedland as follows, to-wit:

“The Court: That is the same objection you made heretofore. Motion is denied and the objection overruled. The jury will understand it is only admitted for the purpose of showing the knowledge and intent of the defendant Louie in other transactions in this case than are directly charged. Exception allowed.”

18. The Court erred in refusing the request of this defendant to instruct the jury as follows, to-wit:

“I instruct you that if you believe that any witness in this case has been induced to testify by threats or coercion of any kind, you will entirely disregard the testimony of such witness.”

19. The Court erred in giving to the jury the instruction No. 8, and more particularly set forth in this defendant's bill of exceptions.

20. The court erred in rendering against this defendant a judgment of guilty, and that said judgment is contrary to the law.

Wherefore the said defendant Charlie Louie and plaintiff in error prays that the judgment of the said court be reversed, and such directions be given that full force and efficacy may inure to the defendant Charlie Louie by reason

of his plea set up to the indictment herein, and that said Court be instructed and directed to dismiss said indictment and discharge this defendant.

VANDERVEER & CUMMINGS,
Attorneys for Defendant Charlie Louie.

Indorsed: Assignment of Errors. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division. Jan. 6, 1914. Frank L. Crosby, Clerk. By Ed. M. Lakin, Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

BILL OF EXCEPTIONS

This was an action by the United States of America against the defendants Charlie Louie and James A. Ralston on an indictment returned the 12th day of September, 1913, by the Grand Jurors of the Northern Division of the Western District of Washington, for the violation of the Act of February 9, 1909.

On the 15th day of September, 1913, being duly arraigned, the defendant Charlie Louie entered his plea of "Not Guilty" to all counts of the indictment. On the 25th day of September, 1913, the defendant Charlie Louie filed herein a plea of former acquittal to all counts, 2, 4, 6 and 8, of the indictment, and thereafter, and on the 30th day of September, the plaintiff filed a demurrer to said plea, and said demurrer coming on for argument in the above entitled Court was, on the 1st day of October, by the Court, sustained, and an order filed and entered sustaining said demurrer. To the sustaining of said demurrer, and to the entering of said order the defendant Charlie Louie duly and regularly excepted, and his exception was accordingly, and is now, hereby allowed.

Thereafter, and on the 8th day of October, this cause came on regularly for trial before The Hon. Edward E. Cushman, a judge of the above entitled court, the United States of America appearing by the United States District Attorney for the Western District of Washington, Northern Division, and the defendant Charlie Louie appearing in person and by Vanderveer & Cummings, his counsel, and a jury having been duly empaneled and sworn, the following proceedings were had:

GUY M. WATKINS was duly sworn to testify as a witness on behalf of the Government, in its case in chief. Exhibits, were marked for identification "Government's Exhibits 1 and 2). These letters, the witness testified, he had found in the bottom of a wardrobe in his office on July 5th on the night of the defendant Charlie Louie's arrest, and after the defendant had been taken to the office to be searched. That prior to the defendant's being searched, he walked back and forth close to the wardrobe, and that while the witness had been searching certain trunks belonging to the defendant James A. Ralston, his back had been turned to the defendant Charlie Louie. That afterwards the defendant Charlie Louie was searched and nothing found upon him.

QUONG QUOY was duly sworn to testify as a witness on behalf of the Government, in its case in chief.

The witness identified translations from Chinese into English of fourteen letters, which letters, with their translations, were marked for identification Government's Exhibits 1 to 14 inclusive; 3 to 14 inclusive bearing Chinese dates. The witness affixed to each letter the corresponding date of the English calendar, which English dates appear thereon written in lead pencil.

EDWARD D. LEMARGE was duly sworn to testify as a witness on behalf of the Government, in its case in chief.

Being shown Exhibits 3 to 9 inclusive and 11 to 13 inclusive, together with their respective envelopes, the witness testified that he had found the letters on the 6th of March, 1913, in a trunk in the residence of the defendant Charlie Louie.

Counsel for the Government then offered in evidence the letters marked for identification Government's Exhibits 3 to 9 inclusive and 11 to 13 inclusive in their envelopes, and

together with their respective translations. There was no other evidence offered by the Government concerning said exhibits, nor to connect the contents of said exhibits with the charges of the indictment. The defendant Charlie Louie objected to the offer of the letters in evidence on the ground that they were irrelevant, immaterial and incompetent, and for the further reason that their post marks bore dates in the spring and summer of 1912 long prior to the translations alleged in the indictment, and that there had been no evidence yet introduced to connect them or their subject matter with any of the facts or transactions alleged in the indictment; and for the further reason that it had not been shown that the letters had ever been in the defendant's possession, were written by him or received by him, or that he had any connection with them. The objection was overruled and an exception allowed.

Thereupon the Court instructed the jury as follows:

“THE COURT: Gentlemen, you will understand that the charge of smuggling is made up of two elements, as nearly every other crime is, that is, his having, concealing, receiving and facilitating the transportation of opium with a certain knowledge. Now these letters are not admitted for the purpose of your determining whether he did have this opium in his possession or not, but solely bear on his knowledge and his means of knowledge, whether that will enable you at all to determine if the Government establishes that he had it in his possession whether it might have been accidentally or innocently.

Thereupon the defendant Charlie Louie moved to strike the evidence and withdraw the letters from the consideration of the jury. This motion was denied, and an exception allowed.

Thereupon counsel for the defendant read to the jury Government's Exhibits 3 to 9 inclusive and 11 to 13 inclusive, whereupon the defendant Charlie Louie moved the Court to strike the testimony relative to the letters, and instruct the jury to disregard such testimony and the letters. The motion was denied, and an exception allowed, whereupon the Court instructed the jury as follows:

“Gentlemen, so far as the Court recalls the testimony now, it is simply that these letters were found in his trunk. It is simply a circumstance you are authorized to consider.”

Thereupon the defendant Charlie Louie excepted to the Court's instruction on the ground that it was an erroneous statement of the law and prejudicial to the defendant, and for the reason that the jury were not entitled to consider the letters, or their contents, for any purpose in the case.

CHRISTOPHER DENMAN was duly sworn to testify as a witness on behalf of the Government, in its case in chief.

The witness testified that he was familiar with the handwriting of the defendant Charlie Louie. He identified Government's Exhibits 2 and 14 for identification as being in the handwriting of the defendant Charlies Louie. The witness also being shown the hotel register of the Multnomah Hotel, identified a signature shown him as the signature of the defendant Charlie Louie.

The Government thereupon offered in evidence Government's Exhibit 2 for identification. To this offer the defendant Charlie Louie objected on the ground that Exhibit for identification was immaterial and irrelevant. The objection was overruled, and an exception allowed. Exhibit 2 was admitted in evidence and marked for identification Government's Exhibit 2.

The Government thereupon offered in evidence Government's Exhibit 1 for identification, to which offer the defendant Charlie Louie objected on the ground that it was immaterial and irrelevant. The objection was overruled and an exception allowed. Government's Exhibit 1 for identification was admitted as Government's Exhibit 1.

Thereupon the Government offered in evidence, the page from the Multnomah Hotel register on which appeared the signature identified as the signature of Charlie Louie; to which offer the defendant Charlie Louie objected on the ground that the evidence was immaterial, irrelevant and incompetent. The objection was overruled, and an exception allowed.

The Government thereupon offered in evidence, Government's Exhibit 14 for identification; to which the defendant Charlie Louie objected on the ground that the evidence was immaterial, irrelevant and incompetent. The objection was overruled, and an exception allowed.

There was no further evidence offered by the Government concerning Exhibits 1, 2 and 14 for the purpose of connecting the contents of said exhibits, the facts or transactions therein recited, with any of the facts or transactions alleged in the indictment.

The defendant Charlie Louie thereupon moved severally to strike Exhibits 1, 2 and 14, which motion, and the whole thereof, was denied, and an exception allowed.

Thereupon the Government read to the jury Government's Exhibits 1, 2 and 14.

Thereupon the defendant Charlie Louie moved the Court to instruct the jury to disregard the testimony relative to Exhibits 1, 2 and 14, and not to consider their contents. This motion was denied and an exception allowed.

MRS. MAGGIE MACLEAN, duly sworn as a witness on behalf of the Government, in its case in chief.

The witness testified that she lived at No. 420 11th Avenue, about thirty feet from the residence of the defendant Charlie Louie, and she knew him by sight. Thereupon counsel for the Government propounded the following question:

Q I will ask you if you have ever seen a man by the name of Ralston visit the defendant Louie's home, during the early part of 1913?

Thereupon counsel for the defendant Charlie Louie objected to the question upon the ground that it was immaterial irrelevant and incompetent, and as having a bearing only upon the charge of conspiracy of which the defendant Charlie Louie has been acquitted, as set forth in his plea of former acquittal on file in the cause. The objection was overruled, and an exception allowed.

A Yes.

Q How many times have you seen Ralston visiting Louie's house?

To which question the defendant Charlie Louie objected on the ground that it was immaterial, irrelevant and incompetent. The objection was overruled and an exception allowed.

A Five or six times.

Q Did he carry anything with him?

To this question the defendant Carlie Louie objected, on the ground that it was irrelevant, immaterial and incompetent. The objection was overruled, and an exception allowed.

A Yes, on one occasion he carried a grip.

The witness was further questioned over the same objection of the defendant Charlie Louie, and answered that Ralston would generally call about noon, and would enter always by the back door. That she had never seen Ralston leave, but thought that he went out the front door.

There was no further testimony on the part of the Government concerning any of the visits of Ralston to the defendant Louie's house, nor any further testimony as to anything which occurred on any of the visits testified to by this witness.

The defendant Charlie Louie moved the Court to strike the testimony of the witness MacLean and to instruct the jury to disregard it. The motion of the defendant was denied and an exception allowed. The Court instructed the jury as follows:

“THE COURT: The jury will understand that this defendant is acquitted on a former charge of conspiracy when he was charged with conspiring with a man by the name of Ralston to smuggle opium into this country, and certain overt acts were charged tending to carry that into effect. All through this case you must consider all of this evidence in the light of the established fact that he was innocent of that conspiracy. Now evidence has already gone in concerning these men visiting back and forth. You must consider that along in the light of the opportunity the defendant had to assist Ralston in smuggling opium, if he did have an opportunity and Ralston did smuggle opium, but you are not to consider it in the light of any agreement or plan or conspiracy or combining by agreement between these men, because the defendant has been acquitted of that.”

To this instruction the defendant Charlie Louie excepted on the ground that it was an erroneous statement of the law. The exception was allowed.

Thereupon the Government had marked for identification as Government's Exhibit 20, a telegram signed "Chas.", which was admitted by the defendant Charlie Louie to be in his hand writing. The Government then offered the telegram in evidence. The defendant Charlie Louie objected on the ground that it was irrelevant, immaterial and incompetent, and had not been properly identified with any of the transactions alleged in the indictment. The objection was overruled, and an exception allowed.

No further evidence was offered by the Government to identify the telegram, or concerning the telegram, or to connect its contents with any of the facts or allegations charged in the indictment. Counsel for the defendant Charlie Louie moved that the telegram be stricken and be withdrawn from the consideration of the jury. The motion was denied, and an exception allowed.

A. B. HAMER was duly sworn to testify as a witness on behalf of the Government, in its case in chief.

The witness testified that he was a United States Customs Inspector, and on the 10th day of April, 1913, overheard a conversation between the defendant Charlie Louie and one Emma Friedland.

Q (By the Government) Just state the words that were used.

A She said "One time Ralston went away and told me that he left six cans of opium in a suit case for you."

No further testimony was offered by the Government to connect the transaction testified to by the witness with any of the charges alleged in the indictment.

Thereupon the defendant Charlie Louie moved the Court to strike the answer on the ground that it had no bearing upon the issue in this case; that it obviously related to other opium, there being no six cans charged in the indictment, and on the further ground that it was irrelevant, immaterial and incompetent, and prejudicial to the defendant.

"THE COURT: The motion is denied, and an exception allowed. You are not to find him guilty of that charge. He may have been guilty of something else some other time, some other place, but it will be admitted for the purpose of your determining, if you find him at one time in the possession of opium whether or not this possession this

time may have been innocent or accidental or what his purpose or knowledge was concerning transactions of that kind. It is not admissible for any other purpose."

To this instruction the defendant excepted, and his exception was allowed.

MARIAN BERGMAN was duly sworn as a witness to testify on behalf of the Government, in its case in chief.

The witness testified that on the 10th of April, 1913, she was present at No. 518 Union Street, Seattle, Washington, at a conversation between Emma Friedland and the defendant Charlie Louie, in which Emma Friedland asked the defendant Louie why he did not get the defendant Ralston out on bail, and asked him further about his having put six tins of opium in a box.

There was no further evidence offered by the Government to connect the transaction testified to by the witness concerning the defendant putting six tins of opium in a box with any of the charges alleged in the indictment.

The defendant Charlie Louie moved that the testimony of the witness relative to the defendant's putting six tins of opium in a box be stricken, and the jury instructed to disregard it, upon the ground that it was immaterial, irrelevant and incompetent, and related to a transaction not connected with the case, and was highly prejudicial to the defendant. The motion was denied, and an exception allowed; and the Court instructed the jury as follows:

"You are instructed that evidence of other transactions is only admitted for the purpose of showing whether or not the defendant had any knowledge of opium."

To this instruction the defendant Charlie Louie excepted on the ground that it was an erroneous statement of the law, and his exception was allowed.

EMMA FRIEDLAND was duly sworn as a witness to testify on behalf of the Government, in its case in chief.

The witness testified that she was the proprietress of a millinery store at No. 518 Union Street, Seattle, Washington, and that the defendant Ralston had a room in the rear of her store.

Q (By the Government) Did the defendant Louie call there often?

A Yes sir.

Q Did he ever call there for any opium?

The question was objected to by the defendant Charlie Louie on the ground that it was too indefinite. The objection was overruled, and an exception allowed.

A Yes sir, he called for six tins that Mr. Ralston—he called there once when Mr. Ralston left six cans.

There was no further evidence on the part of the Government to connect this transaction, or the six tins described by the witness, with any of the charges alleged in the indictment.

The defendant Charlie Louie moved the Court to strike the answer on the ground that the testimony was immaterial, irrelevant and incompetent; that the transaction was not shown to be in any way connected with any of the charges alleged in the indictment, and that the opium was not shown to be any part of that described in the indictment.

THE COURT: That is the same objection you made heretofore. Motion is denied and the objection overruled. The jury will understand that evidence of other transactions is only admitted for the purpose of showing the knowledge and intent of the defendant Louie in this case that are directly charged. Exception allowed.

The defendant Charlie Louie excepted to this instruction on the ground that it was an erroneous statement of the law, and his exception was allowed.

The foregoing evidence and testimony was all offered by the Government in its case in chief and the case of the Government being concluded, and afterward the case of the defendant Charlie Louie having been concluded, the cause was argued to the jury by counsel for the Government and by counsel for the defendant.

The defendant Charlie Louie had previously submitted to the Court at the commencement of the trial an instruction in writing which he requested the Court to give to the jury in his charge to the jury at the conclusion of the case, which instruction was as follows:

"I instruct you that if you believe that any witness in this case has been induced to testify by threats or coercion of any kind, you will entirely disregard the testimony of such witness." This instruction the Court refused to give to the jury and no similar instruction was given. To the refusal of the Court to give such instruction, the defendant Charlie Louie excepted and his exception was allowed.

Thereupon the Court instructed the jury as follows:

1. "GENTLEMEN OF THE JURY: You will take the indictment out with you in this case when the Court concludes its instructions, and it is your duty to examine the indictment. Be sure, at least, that you are thoroughly acquainted with the charge in it in considering this case, but the Court will outline to you the charges contained in it so that you may have it freshly in your mind while the Court is instructing you, so that you understand the application of the instructions in the case. There are eight counts in this indictment, and the charge, as it is generally termed, is smuggling opium."

2. "The charge in the first count, in the 1st, 3rd, 5th and 7th counts is that the defendant—two defendants—one defendant Ralston is not on trial—so if the Court through this case has said defendant you will understand that I am referring to Charlie Louie—that the defendant received, bought and concealed, and transported and facilitated in the Northern Division of the Western District of Washington, the transportation of certain opium. That is, the first count refers to 64 tins of opium, the third count to 25, the 5th to 40 and the 7th to 129. Of course you will see that 64 and 25 and 40 added together make 129. The Court feels justified in assuming that the opium referred to in the 1st, 3 and 5th counts is the same opium referred to in the 7th count, simply are tins added together in one lump count. The charge in those odd numbered counts is that the defendant had this opium in his possession and had received it and bought it and concealed it or transported it or facilitated its transportation. When I say conceal I am using the word the statute does, without examining the indictment, I am not sure it does use the word conceal. The even numbered counts concern the same opium, or parcels of opium, but they are to the effect that the defendant Ralston having received and bought and concealed and transported these packages of opium or these parcels of opium, that the defendant Charlie Louie aided him and assisted him in it. You will

also find in these counts certain language about his counseling and advising and commanding him, which I will refer to later.

3. "Now the burden of proof is upon the Government to establish at least as concerns one of these counts every material allegation in it by evidence sufficient to convince you beyond a reasonable doubt before you can return of guilty in this case. You will consider each count separately and render your verdict separately concerning these counts, as I shall afterwards instruct you.

4. "In this offense there are at least four material things for you to consider. That is, it is charged that this opium that was smuggled or handled was opium prepared for smoking and of foreign manufacture. Before you can convict the defendant you must find by evidence sufficient to convince you beyond a reasonable doubt that it was both those things. Then you must find on the odd numbered counts before you can convict the defendant by the amount of evidence I have indicated, that is by evidence sufficient to convince you beyond a reasonable doubt, that he or Ralston as his agent, received, transported, bought, or facilitated the transportation of at least one batch of this opium—parcels of this opium as described in the indictment. Then last you must find that he not only had it in his possession or assisted in transporting it or selling it, but that he did it knowingly, that is that he did it knowing that it was opium, and knowing it was opium prepared for smoking and of foreign manufacture, which had theretofore been imported unlawfully into the United States. You understand that before 1909, before February 9, 1909, opium prepared for smoking, of foreign manufacture could be lawfully brought into the United States by paying the duty. There was certain evidence put in here, some witness' opinion, that this never had paid the duty because he didn't find any marks of cancelled stamps on it. In substance that was his evidence. You will understand that the opium to be subject of smuggling as charged in this indictment, either must have been brought into the United States before this date in 1909 without paying the duty, or it must have been brought in since that date in 1909. Since February 9, 1909, it has been illegal to bring any opium into the United States prepared for smoking.

5. "There has been considerable discussion in this case regarding the other case. The Court has tried to keep you

fully advised concerning the other case, in which the defendant has plead that he has been acquitted. The indictment on which he was acquitted charged in a number of counts—I don't remember the exact number, in substance as follows: That is, does the defendant consent to my outlining the charge in the other indictment on the state of the record?

MR. VANDERVEER: Yes.

THE COURT: 6: "The indictment charged that here in Seattle or in the Northern Division of the Western District of Washington that these two defendants, Ralston and Louie, entered into a conspiracy to smuggle opium, and roughly the outlines of that conspiracy were that Ralston was to bring the opium into the United States, that Louie, Charlie Louie, had money and would finance the smuggling of this opium, and that Louie would receive the opium here in Seattle and attend to its disposition; that pursuant to that conspiracy Ralston did import in December of last year six tins of opium, and that pursuant to that conspiracy and to effect the object of it Louie received six tins of opium in December, and that the defendant Charlie Louie went to the Carleton Apartments, Room 303, March 4, as an act to effect the object of the conspiracy; that Mr. Louie concealed on March 5th 14 tins, and that on March 5th Mr. Ralston transported 14 tins of opium; and that Louie on March 5th went to Portland to effect the object of the conspiracy, and that on the same date Ralston concealed 40—transported 25 and concealed 64. Now of that charge which I have outlined to you the defendant Charlie Louie was acquitted, and the Constitution provides that he or any other defendant shall not twice be put in jeopardy for the same offense. He has been acquitted of it and in considering this case you will not undertake to reconsider that case in any way. You will act throughout your deliberations in this case on the assumption that he was acquitted because he was innocent. One jury is not undertaking to review the action of another.

7. 'The 2d, 4th, 6th and 8th counts of this indictment allege that on the 5th day of March, 1913, one James Ralston did receive, conceal, buy, sell and facilitate the transportation, concealment and sale of certain opium, and that the defendant wilfully, knowingly, unlawfully and feloniously did aid, abet, counsel, command, induce and procure the said James Ralston to receive, conceal, buy, sell and facilitate the transportation, concealment and sale of said

opium. In this connection I instruct you, that the defendant has heretofore been accused, tried by a jury and acquitted of the charge of conspiring, confederating and agreeing with the said James Ralston to receive, conceal, buy, sell and facilitate the transportation, concealment and sale of this same opium. Under the law no man can be twice put in jeopardy for the same offense. Whether you agree with it or not, the judgment of this Court in the case I have referred to in which the defendant was so acquitted, is final and conclusive, and in your consideration of the case now before you, you will assume that the defendant was not guilty of conspiring, confederating and agreeing with the said James Ralston, or of advising, counseling, commanding, inducing or procuring the said James Ralston to receive, conceal, buy, sell or facilitate the transportation, concealment or sale of said opium; and will consider merely the question whether the defendant did some physical act by which he aided or assisted said James Ralston in a physical and material way in receiving, concealing, buying, selling or facilitating the transportation, concealment or sale of such opium. Unless you find beyond a reasonable doubt that the defendant did such an act, you will find a verdict of not guilty upon the second, fourth, sixth and eighth counts of this indictment.

“During the argument of counsel I tried to explain to you the scope of this counseling and advising. That would be eliminated from this case by reason of the fact that the defendant had been acquitted of the crime of conspiracy in connection with this same opium. Possibly I can explain it to you by illustration better than I can in any other way. The Court has withdrawn from your consideration this charge, and simply left you to consider whether he did some act to aid Ralston in receiving any of this opium, and that he did it knowingly.”

“Now a man might, as I say, for the purpose of illustration, might agree to go and plan and scheme to murder some one. I don't want you simply because I use an extreme crime of that kind to think I am trying to prejudice you in any way against the defendant. It is simply for an illustration because crimes like murder are simple and are ideal as illustrations. Now after such a plan or scheme or design has been entered into if one of the two men came to the other man and said ‘our man is down here sitting at a table with his back to the door’ giving that in-

formation might be an act that aided in having the man murdered. So I hope that you will be able to separate any plan or combination of these two men that was charged in the indictment for conspiracy of which this defendant has been acquitted, from this charge that the Government has made here that he aided Ralston in receiving this opium, but unless these conversations or this telephone message that has been told about was something more than a general keeping in touch with one another or general agreement, unless it was knowingly giving him knowledge of where he could get opium, then you will not consider it. If you have a reasonable doubt about it you will not consider it as supporting this charge of aiding, because he having been acquitted is entitled to that reasonable doubt. If you have one in your mind concerning how far he went in that matter, if it is true, that he left word there that some one would call Ralston up, even if he suspected it concerned smuggling, if it was a pal or partner and didn't know what he was going to tell him, or if you have a reasonable doubt on that subject you will give him the benefit of it. It must have been that he was trying to get knowledge to the defendant Ralston where he would find certain opium, and by giving him that knowledge he aided him to get it. Anything short of that would not support this charge. You must be satisfied of that beyond a reasonable doubt before you convict him on that matter."

To the Court's instruction No. 8, and the whole thereof, the Defendant Charlie Louis excepted on the ground that it was an erroneous statement of the law, and erroneously instructed the jury that they might consider any act of counseling and advising if they believed it was of assistance to Ralston in concealing and transporting opium, and on the further ground that said instruction was in conflict with the other instructions given by the Court to the effect that in determining whether or not the defendant had aided and abetted one James Ralston they would consider only whether he had done some physical act to assist Ralston. The exception was allowed.

9. The Court has admitted for your consideration, certain evidence showing the relations of the defendant and one James Ralston on other occasions that the one involved in this case; also evidence tending to show that on other occasions the defendant had in his possession opium not involved in this case. The Court has also admitted in

evidence certain letters which it is claimed were found in the defendant's possession or in his home. None of this evidence has any bearing upon the question whether the defendant received, concealed, bought or sold, or facilitated the transportation of the opium referred to in the first, third, fifth and seventh counts of the indictment. Neither has it any bearing upon the question whether the defendant did any act aiding and abetting one James Ralston in receiving, concealing, buying, selling or facilitating the transportation, concealment or sale of said opium, and it was not admitted for your consideration, and should not be considered by you in that connection. The question whether the defendant received or concealed and transported opium as alleged in the four counts of the indictment, or did an act aiding and abetting James Ralston in doing so, as alleged in the other four counts of the indictment, must be determined without reference to this evidence, and if you have a reasonable doubt about these matters you will not consider this other evidence at all, but will return a verdict of Not Guilty upon such counts as may be involved in such doubt. If, on the other hand, you find from the other evidence before you beyond a reasonable doubt, either that the defendant received, concealed, bought or sold the opium as alleged in four of the counts, or on the other hand did some physical act by which he aided and abetted James Ralston in so doing, as alleged in the four remaining counts, then you will consider the evidence I have referred to for the purpose of determining whether in so doing the defendant acted wilfully and knowingly as alleged in the indictment, and you will consider this evidence for no other purpose whatever.

10. "I instruct you that you cannot find the defendant guilty upon any count of this indictment merely upon evidence that he knew that one James A. Ralston was concealing, buying, selling or transporting opium, or upon evidence that he counselled, procured or advised him in so doing, except as I have explained to you already.

11. "I instruct you that unless you find from the evidence before you, beyond a reasonable doubt, that the opium referred to in the indictment was imported into the United States contrary to law, you will return a verdict of "Not Guilty."

12. "I instruct you that unless you find beyond a reasonable doubt that the opium which has been referred to in

this case, is opium of foreign manufacture, you will return a verdict of "Not Guilty."

13. "In the first, third, fifth and seventh counts of this indictment, the defendant is accused of receiving into his possession, and of concealing, buying and selling, and facilitating the transportation, concealment and sale of certain opium. In this connection I instruct you that these acts of receiving, concealing and transporting opium may be done by the defendant in person or some agent having possession of the opium and acting in his behalf. In this case it is the Government's theory that the opium referred to in this indictment was in the possession of James Ralston merely as the agent of the defendant Charlie Louie. This is a fact which it is incumbent upon the Government to establish by evidence beyond a reasonable doubt, before it can ask at your hands a conviction upon the first, third, fifth and seventh counts of this indictment, and accordingly I instruct you that if you have a reasonable doubt upon the question whether said James Ralston was acting in the defendant's behalf or in his own behalf, it will be your duty to return a verdict of "Not Guilty" upon the first, third, fifth and seventh counts."

14. "Evidence is either direct and positive, or presumptive and circumstantial. When a witness testifies directly to the facts constituting the crime the evidence is said to be direct and positive. When he testifies to facts and circumstances having only an indirect relation to the facts constituting the crime, the evidence is presumptive and circumstantial. The commission of a crime may be proven either by the direct testimony of eye witnesses, or by circumstantial evidence; but when circumstantial evidence is relied on for a conviction, the circumstances should be consistent with each other. They must all be consistent with the defendant's guilt; and they must be inconsistent with any reasonable theory of the defendant's innocence. Evidence purely circumstantial in character which does not exclude every reasonable and rational theory of the defendant's innocence cannot, as a matter of law, be convincing beyond a reasonable doubt.

15. "Evidence has been received of the good reputation of the defendant in this community as a law-abiding citizen. You will consider this evidence, together with all the other evidence in the case, in arriving at your verdict,

and if, from all the evidence you have a reasonable doubt concerning the defendant's guilt, you will return a verdict of "Not Guilty."

61. "Every person accused of crime is presumed in law to be innocent of the crime charged until his guilt is proven by competent evidence to the satisfaction of the jury and beyond all reasonable doubt. This presumption is not a mere fiction which a jury may lightly disregard, but is a substantial right accorded by law to protect the innocent from unjust and unfounded accusations. It accompanies the defendant throughout the trial of the entire case. It follows therefore that you have no right to draw any inference of guilt from the fact that the grand jury has returned an indictment against this defendant, nor will you form your opinions of guilt or innocence as the evidence is being introduced during the trial, or until all of the evidence has been presented on both sides, and until you have been instructed by the Court upon the law of the case, and you have finally retired to your jury room to deliberate upon your verdict."

17. "As I have already instructed you, the defendant in this case is presumed to be innocent until the contrary has been shown to your satisfaction beyond a reasonable doubt. It is not incumbent upon the defendant to prove his innocence. The burden rests upon the Government to prove his guilt. This burden never shifts to the defendant, and unless the Government has satisfactorily met this requirement as to the defendant, the jury will acquit such defendant."

18. "In a criminal case it is not sufficient that the Government should prove its case by mere preponderance of the evidence, nor is it necessary on the other hand that it should prove its case positively and beyond all doubt. The law requires, however, that the Government should prove every material issue to your satisfaction and beyond all reasonable doubt. The expression 'reasonable doubt' means in law just what the words ordinarily imply. To be reasonable, a doubt must be founded upon reason. In deliberating upon the evidence in this case you should not search for reasons for conviction, neither should you look for reasons for an acquittal. You will confine your deliberations solely to the evidence that has been admitted for your consideration. This evidence you will consider in the light of the instructions given you by the Court. Ignoring

all other things and disregarding all prejudices you should attempt fairly, conscientiously and honestly to ascertain the truth about the matter alleged in this indictment and if at the end of your deliberations you have a reasonable doubt concerning any of the material matters alleged in the indictment, it will be your duty to acquit the defendant."

19. "I instruct you that in a criminal action you cannot base conviction upon mere probabilities, but before you can find any defendant guilty you must be satisfied of guilt beyond all reasonable doubt."

20. "You will disregard entirely the fact that the defendant has made a motion for a directed verdict in his favor. In ruling upon this motion the Court has not even considered whether the defendant was guilty or innocent. Again, I want to caution you that the Court has no view upon this question and has not expressed any view in passing upon this motion. It is the Court's province to pass upon, and instruct you regarding, the law of the case; and it is your province to decide the facts."

21. "I instruct you that you are the sole and exclusive judges of the facts in this case and of the credibility of the witnesses who appear before you. If, in the course of the trial, in ruling upon objections to evidence or upon motions made by counsel, the Court may seem to you to have expressed an opinion upon any fact in this case, you will entirely disregard such matter. The Court as such has no opinions about the facts and has not intended to express any. In determining the amount of credit which you will give to the testimony of the various witnesses who have appeared before you, you will consider their demeanor upon the witness stand; their apparent candor and fairness, or lack of it; the opportunities which they may have had for knowing the facts concerning which they have testified. You will be slow to believe that any witness has deliberately testified falsely, but if you do so believe, it will be your duty to entirely disregard the testimony of such witness, except insofar as the same may be corroborated by other credible evidence in the case."

22. 'Counsel in argument commented on the character of one of the women produced as a witness for the Government. If you believe that it was established in this case that either one of those witnesses was a prostitute you would take that into consideration in weighing her testi-

mony. The law is based on the experience of mankind, and the experience of mankind has demonstrated that a woman who sells her virtue generally does so after she abandons her allegiance to the truth, that is about the last good quality she has that she surrenders. Also counsel has argued to you about witnesses being influenced by fear to testify. You understand that as men of experience you will seek to ascertain if any witness appeared before you with an interest in this case, or anything connected with it. You will take into consideration in determining whether he has an interest not only the manner in which he has given his testimony as evidence of that fact, but his relation to the case, and if one of these women who testified feared prosecution or had reason to fear it, and therefore had a motive to seek to ingratiate herself with the Government or prosecution, you would take that into consideration as affecting her evidence in the case in addition to anything that may have been shown concerning her character."

23. "Also in this case there has been evidence concerning oral admissions. The Court instructs you that persons are so liable to be mistaken about something said, either in their arrangement of the words as giving a different meaning to it, or in their failing memory, that it is a rule of law that juries, and Courts for that matter, should carefully scrutinize in weighing any testimony concerning oral admissions of a party against his interest. Their value depends on the fact of whether they were made in the way that the witness says they were made, and the changing of a word here and there, or the adding of a word or taking away of one may change the entire meaning, and they are dangerous in the way of evidence. The Court instructs you that you are to weigh and consider the interest of a witness in the case in passing on his credibility. The defendant having taken the stand in his own behalf you will apply to his evidence the same rules as to that of other witnesses, including his interest in the case."

24. "The Court will submit to you one form of verdict. There are eight lines in it. Reading the first line to explain it "We, the jury, in the above entitled case find the defendant Charlie Louie.....Guilty of Count 1." If that should be your verdict in the case you will draw a line through the blank to show it has been cancelled, and proceed with the other counts. If your verdict is not guilty you should write the word not in that blank, and

treat all the other counts the same. There being eight of them the Court deems this a safer way of disposing of all of them than submitting to you sixteen separate verdicts."

25. "Gentlemen, if there is any phase of the case I have not instructed on you will be given an opportunity to take your exceptions after the jury has retired. If you wish to request any instructions you may now do so."

The foregoing were the entire charge and all the instructions given to the jury.

Thereupon the jury retired in charge of the bailiff to consider their verdict.

Thereafter the jury returned into Court with their verdict signed by their Foreman, and which found the defendant "Guilty" on count 2 of the indictment, and "Not Guilty" on all of the other counts of the indictment.

And thereafter, and on the 14th day of October, 1913, it was stipulated between the parties to this action that the defendant Charlie Louie might have an extension of time to file a bill of exceptions herein for thirty days from and after the 20th day of October, 1913, and thereafter, and on the 13th day of November, 1913, an order was duly entered herein nunc pro tunc as of the 14th day of October, 1913, extending the defendant's time to file his bill of exceptions herein, and pursuant to said stipulation, thirty days from and after the 20th day of October, 1913.

And now in furtherance of justice, and that right may be done, the defendant Charlie Louie presents the foregoing as his bill of exceptions in this case, and prays that the same may be settled and allowed, and signed and certified by the Judge as provided by law.

VANDERVEER & CUMMINGS,

Attorneys for Defendant Charlie Louie.

Copy of within Bill of Ex. received and due service acknowledged this 19th day of Nov., 1913.

CLAY ALLEN,

Attorney for U. S.

Indorsed: Bill of Exceptions. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division. Nov. 18, 1913. Frank L. Crosby, Clerk. By E. M. L. Deputy.

In the District Court of the United States for the Western
District of Washington, Northern Division.

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

No. 2488.

ORDER SETTLING BILL OF EXCEPTIONS.

It having been brought on regularly before the Court on this 17th day of February, 1914, upon application of the Defendant Charlie Louie for the settling and certifying of his proposed bill of exceptions lately filed herein, and the time for such settling and certifying of such bill of exceptions having been duly extended by the orders of the Court and by the stipulation of the parties until and including this day, now, therefore, on motion of Messrs. Vanderveer & Cummings, the Defendant's attorneys:

IT IS ORDERED That the said proposed bill of exceptions heretofore filed by the defendant in this case as the same now stands amended as aforesaid, be, and it hereby is, settled as the true bill of exceptions in this cause, and that the same, as so settled, be now and here certified accordingly by the undersigned, the Judge of said Court who presided at the trial of this cause, and that said bill of exceptions, when so certified, be filed by the Clerk.

Done in open Court this 17th day of February, A. D. 1914.

EDWARD E. CUSHMAN,

District Judge of the United States for
the Western District of Washington, North-
ern Division.

O. K. Allen, District Attorney.

Indorsed: Order settling Bill of Exceptions. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Feb. 17, 1914. Frank L. Crosby, Clerk. By E. M. L. Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

No. 2488

PETITION FOR WRIT OF ERROR AND SUPERSEDEAS

Charlie Louie,, one of the defendants in the above entitled cause, feeling himself aggrieved by the verdict of the jury and the judgment of guilty and the sentence therein entered herein on the 20th day of December, 1913, comes now by Vanderveer & Cummings, his attorneys, and petitions the said Court for an order allowing the said Defendant to prosecute a Writ of Error to The Honorable The United States Circuit Court of Appeals, for the Ninth Circuit, under and according to the laws of the United States in that behalf made and provided; and also that an order be made suspending all further proceedings in this Court and staying the same until the determination of said Writ of Error by the United States Circuit Court of Appeals, for the Ninth Circuit.

And your petitioner will ever pray.

VANDERVEER & CUMMINGS,

Attorneys for Defendant Charlie Louie.

Served this 6th day of Jan., 1914.

CLAY ALLEN,

Atty. for Pltf.

Indorsed: Petition for Writ of Error and Supersedeas.
Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Jan. 6, 1914. Frank L. Crosby, Clerk. By Ed M. Lakin, Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

No. 2488

ORDER ALLOWING WRIT OF ERROR.

On motion of Vanderveer & Cummings, Attorneys for
the Defendant Charlie Louie herein, and upon filing a
petition for Writ of Error and as Assignment of Errors;

It is ordered that a Writ of Error be, and the same
hereby is, allowed to have reviewed in the United States
Circuit Court of Appeals, for the Ninth Circuit, the judg-
ment heretofore entered herein, and that said Writ of Error
operate as a supersedeas.

Done in open Court this 6th day of January, A. D. 1914.

EDWARD E. CUSHMAN,
Judge.

O. K. Allen.

Indorsed: Order Allowing Writ of Error. Filed in
the U. S. District Court, Western Dist. of Washington,
Northern Division, Jan. 6, 1914. Frank L. Crosby, Clerk.
By Ed M. Lakin, Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

BOND

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

KNOW ALL MEN BY THESE PRESENTS: That we Charlie Louie, as principal, and Lew G. Kay and Ah Seung, as sureties, are held and firmly bound unto the United States of America in the full sum of Two thousand five hundred dollars (\$2,500.00), lawful money of the United States, for the payment of which sum well and truly to be made, we hereby bind ourselves, our heirs, executors and administrators firmly by these presents.

Dated Seattle, Washington, this 6th day of January, A. D. 1914.

The condition of this obligation is such that whereas Charlie Louie, the above named principal, is desirous of superseding a judgment of conviction heretofore had and entered in the above entitled action on count one of the indictment heretofore duly and regularly returned into the above entitled Court and charging the Defendant with a violation of the penal code of the United States, and whereas the said Charlie Louie has heretofore sued out a Writ of Error herein to the United States Circuit Court of Appeals, for the Ninth Circuit, and whereas by order heretofore made and entered herein security was required of the said Charlie Louie herein, and as a condition of the said supersedeas, and whereas the said Charlie Louie is desirous of being admitted to bail pending the hearing of the said Writ of Error in the said Circuit Court of Appeals of the United States, for the Ninth Circuit;

NOW, THEREFORE, If the said Charlie Louie shall appear in the above entitled Court whenever he shall be required by the Court to appear, and hold himself in attendance thereon as he may be required and yield obedience to the orders and judgment of the said United States Cir-

cuit Court of Appeals, for the Ninth Circuit, and abide the judgments, orders and decrees of Courts herein, then this obligation to be null and void, otherwise to remain in full force and virtue.

CHARLIE LOUIE,
LEW G. KAY,
AH SEUNG.

O. K. CLAY ALLEN,
Attorney for Pltf.

Approved Jan. 6, 1914.

EDWARD E. CUSHMAN,
Dist. Judge.

United States of America, Western District of Washington,
Northern Division.—ss.

Lew G. Kay, a surety on the annexed bond, being first duly sworn, upon oath deposes and says: That he is a surety on the foregoing obligation, which he executed as his free and vountary act and deed for the uses and purposes therein mentioned; that he resides in Seattle, King County, Washington, and is worth in separate property the sum of Five thousand dollars (\$5,000.00) over and above all his just debts and liabilities, and exclusive of property exempt by law from execution; that his property consists of

Block eighty-two (82), Lake Washington Addition to the City of Seattle; of the reasonable value of Six thousand dollars (\$6,000.00), free and clear from encumbrance.

LEW G. KAY.

Subscribed and sworn to before me this 6th day of January, A. D. 1914.

ED. M. LAKIN,
Deputy Clerk U. S. Dist. Court,
Western Dist. of Washington.

(Seal)

United States of America, Western District of Washington,
Northern Division.—ss.

Ah Seung, a surety on the annexed bond, being first duly sworn, upon oath deposes and says: That he is a surety on the foregoing obligation, which he executed as his free and voluntary act and deed for the uses and purposes therein mentioned; that he resides in Seattle, King County, Washington, and is worth in separate property the sum of Five thousand dollars (\$5,000.00) over and above all his just debts and liabilities, and exclusive of property exempt by law from execution; that his property consists of

Seventy-seven (77) acres in Kitsap County,
near the Town of Colby;
of the reasonable value of Seventy-seven hundred dollars (\$7,700.00), free and clear from encumbrance.

AH SEUNG.

Subscribed and sworn to before me this 6th day of
January, A. D. 1914.

(Seal) ED M. LAKIN,
Deputy Clerk U. S. Dist. Court,
Western Dist. of Washington.

Indorsed: Bond. Filed in the U. S. District Court,
Western Dist. of Washington, Northern Division, Jan. 6,
1914. Frank L. Crosby, Clerk. Ed. M. Lakin, Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ORDER TO TRANSMIT ORIGINAL EXHIBITS.

Now on this day upon motion of counsel for Defendant and Plaintiff in Error, and for sufficient cause appearing, it is ordered that the Plaintiff's original Exhibits as follows, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18

20, 21, 23, 25 and 26, filed and introduced as evidence upon the trial of this cause, be by the Clerk of this Court forwarded to the United States Circuit Court of Appeals for the Ninth Judicial Circuit, there to be inspected and considered together with the transcript of record on appeal in this cause.

Dated February 18, 1914.

EDWARD E. CUSHMAN,
District Judge.

Indorsed: Order to Transmit Original Exhibits. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Feb. 18, 1914. Frank L. Crosby, Clerk. By Ed M. Lakin, Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ORDER FOR WITHDRAWAL OF EXHIBITS.

Upon the motion of the United States Attorney;

It is ordered that the Government may permanently withdraw plaintiff's exhibits Nos. 24 and 19, being trunk, grips, opium and keys, introduced in evidence in the trial of the above entitled cause.

Dated this 10th day of October, 1913.

EDWARD E. CUSHMAN.

Received the above numbered exhibits this 10th day of October, 1913.

H. F. McGRATH.

Indorsed: Order for withdrawal of exhibits. Filed in the U. S. District Court, Western Dist. of Washington, Oct. 10, 1913. Frank L. Crosby, Clerk. By B. O. W., Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ORDER FOR WITHDRAWAL OF EXHIBITS.

Upon motion of the United States Attorney;

It is hereby ordered that the Government may permanently withdraw plaintiff's exhibit No. 15, being a hotel register which was introduced in evidence in the trial of the above entitled cause.

Dated this 24th day of December, 1913.

JEREMIAH NETERER,
Judge.

Received the above enumerated exhibits this 24th day
of December, 1913.

C. M. THIEL.

Indorsed: Order for withdrawal of exhibits. Filed
in the U. S. District Court, Western Dist. of Washington,
Northern Division, Dec. 24, 1913. Frank L. Crosby, Clerk.
By E. M. L. Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

STIPULATION

It is hereby stipulated and agreed by and between
Clay Allen, Attorney for the Plaintiff in the above en-

titled action, and Vanderveer & Cummings, Attorneys for the Defendant, that it shall not be necessary to print in the record to be sent to the Circuit Court of Appeals by the Defendant herein, the original Chinese of exhibits 1 to 9 inclusive, 11 to 14 inclusive, 16, 17 and 20, but that the English translation thereof filed with and attached to said exhibits, alone need be printed.

It is further stipulated and agreed that Exhibit No. 18, consisting of a page of the Seattle Telephone Directory and a memoranda attached thereto, Exhibit No. 21 consisting of a slip of paper, Exhibit No. 23 being a duplicate receipt for the payment of certain express charges, Exhibit No. 25 being several baggage checks, and Exhibit No. 26 consisting of a note book, need not be printed in the record at all, but that the original exhibits themselves shall be, together with the original exhibits hereinbefore mentioned as being in the Chinese language, together with the translations thereto attached and on file herein, shall be sent themselves, to the United States Circuit Court of Appeals with said record.

CLAY ALLEN.

Attorney for Plaintiff.

Indorsed: Stipulation. Filed in the U. S. District Court, Western District of Washington, Northern Division, March 27, 1914. Frank L. Crosby, Clerk. Ed M. Lakin, Deputy.

In the District Court of the United States for the Western District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ORDER

On stipulation of the parties to the above entitled action, it is hereby ordered that there need be printed in the record to be sent to the United States Circuit Court of Appeals, none of the Chinese originals of Exhibits Nos. 1

to 9 inclusive, 11 to 14 inclusive, 16, 17 and 20, but that there need be printed in said record only the English translations of such exhibits attached to and filed with said exhibits.

It is further ordered that Exhibits Nos. 18, 21, 23, 25 and 26 need not be printed in said record, but that the original exhibits, together with the other exhibits hereinbefore mentioned as being in the Chinese language, together with their English translations attached to and filed therewith, shall be sent by the Clerk of this Court to the said Circuit Court of Appeals with said record.

Done in open Court this 27th day of March, A. D. 1914.

JEREMIAH NETERER,
Judge.

O.K. CLAY ALLEN, Attorney for Pltf.

Indorsed: Order. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Mar. 27, 1914. Frank L. Crosby, Clerk. By Ed M. Lakin, Deputy.

(Translation of Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17 and 20.)

Shung Gee, Cousin:

Since we parted at Boise everything is quiet and I have not done anything. The market for foreign goods in this place is 28 to 28½ at present. Please let me know as to the market in your city. If there is any mail for me I will thank you to forward it to me. Will write you again.

(Signed) LOUIE HO KEUNG.

America, February 25th.

Indorsed: Case No. 2488. Plaintiff's Exhibit 1, United States District Court, Western Dist. of Washington, U. S. vs. Charlie Louie. Filed Oct. 9, 1913.
Mr. Ho Keung, Cousin:

Your letter was received. I may have about ten pieces for you to sell for me. That is to avoid the necessity for

my coming in person, as the trip is too expensive. You ask about the mail, but I have not seen any of your mail in this place.

(Signed) COUSIN GEE.

America, March 4th.

Indorsed: Case No. 2488. Plaintiff's Exhibit 2. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

Cousin Jung Hean:

I beg to inform you that Louie Keung on the 11th or 12th day of the 7th month brought me 47 pieces of goods. The price is \$25.00 apiece, on which we both agreed. I think the price is a little too high, but I didn't argue about it, for we are friends. There is one piece broken among these 47 pieces. It is not first class goods, but like sweet liquid. Mr. Louie Keung has seen it and promised to exchange it next time. I wrote him on the 7th month, over a month ago from now, and told him to send me some goods, but haven't heard from him. Among goods which Louie Keung brought me before were found about twenty pieces poor goods; I hardly can get rid of it. I wish you would tell him to come and take it back or say what is his intention. I inclose herewith a letter for Louie Keung; please see that it is delivered to him. Thank you for the same.

(Seal of Wo Sang Yuen, Walla Walla)

(Signed) LEW LUM HEAN.

Yum year (Republic)

8th month, 22d day.

Indorsed: Case No. 2488. Plaintiff's exhibit 3. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

Friend Shung Gee:

I beg to inform you that the letter that you sent me was received, which stated about the goods and demand for money, but the money is still unpaid for the goods which I sold to Mr. Wai Ging and Gar Cin. I cannot make any profit on the price at which you sold the goods to me. There is one Mr. Gah Bark who brought 30 tins, selling price \$24.50 each

tin, and Louie Shee brought 60 tins, selling price \$24.75 each tin. Recently the selling price in your city is \$22.50 each piece. There will be no raise in price in Boise within six months. All this is the truth. Perhaps the price is greatly advanced in your city. I am now sending you a check for \$95.00 and hope it will reach you safely. This amount is \$5.00 less than your bill, but I hope you will reduce it and call it square. Thank you for the same.

(Signed) Louie Gah Bun.

Republic 1st year, 5th month, 27th day.
May 27, 1912.

Indorsed: Case No. 2488. Plaintiff's Exhibit 4. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie Filed Oct. 9, 1913.

(Copy)

Mr. Louie Gee.
Mr. Louie Tsze.

Dear Friends:

I hope you are both well and prosperous. What's the price of old Lee goods at the present time? Please let me know by wire, for our firm wish to buy some. Please answer.

(Seal of Quong Lee Yuen, Salt Lake.)

(Signed) Lee Fook Sheuk.

July 20, 1912.

Indorsed: Case No. 2488. Plaintiff's Exhibit 5. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

(Copy)

Shung Gee:

Your letter received and noted. Hop Chong still have a small quantity of the black goods on hand at present, for there is no demand in the market recently. The price of

these goods in this city now is from \$24.00 to \$26.00 apiece. If later Hop Chong want to buy some more I will write and let you know.

(Signed) Gah Jing.

Chinese Republic, 5th month, 11th day.
May 11, 1912.

Indorsed: Case No. 2488. Plaintiff's Exhibit 6. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. , 1913.

(Copy)

Mr. Louie Gee:

Friend: I now wish to buy some goods, from fifty to one hundred pieces, but don't know whether or not you have those goods at the present time. If you have please let me know the value of each piece, as I might buy some if I can make any profit, and will pay cash so that it will be a benefit to us both. Kindly let me know. With regards.

(Signed) Sing Yee.

7th month, 26th day.

Indorsed: Case No. 2488. Plaintiff's Exhibit 7. United States District Court, Western Dist. of Washington, U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

(Copy)

Friend Louie Keung:

I beg to state that among the goods which you sent me some time ago were mixed about twenty pieces of very poor goods. At present all of the good goods have been sold, so now our store has no goods for customers. After you see this note please send us the goods to meet the market, without fail. The past one and a half months we have not received any goods nor heard from you. Some time ago while you were in our store we spoke and agreed with each other that if there should be any poor goods they would have to be exchanged, for I buy and pay for first class

goods and do not buy the sweet liquid. I haven't heard from you for a long time. You are a gentleman, and not a swindler, so let me hear from you about those poor goods which I mention above.

(Seal of Wo Sang Yuen, Walla Walla.)

(Signed) Lew Lum Hean.

Yum year (Republic) 8th month, 22nd day.

Indorsed: Case No. 2488. Plaintiff's Exhibit 8. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 7, 1913.

(Copy)

Louie Gee: Dear Friend:

I wish you would let me know about the Ng Yue Dean case for it has been pending such a length of time. Mr. Ng Chong sent Ng Yue Dean \$10.00 for his expenses some time ago, and I hope this money reached him all right. Please tell Yue Dean to answer Ng Chong. What's the price of black goods in your city at the present time? Please let me know, and oblige,

(Signed) Sing Sho.

1st day, 3rd month.

Indorsed: Case No. 2488. Plaintiff's Exhibit 9. United States District Court, Western Dist. of Washington, U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

(Copy)

Cousin Shung Gee:

I beg to inform you that I am now sending you five hundred dollars (\$500.00) and hope it will reach you all right. I will return to Portland this morning. If you have any goods arriving recently the price at present is about \$17.50 to \$18.00. I think it would be safe to buy some at

this price. I will start back to Seattle at eleven o'clock tomorrow morning.

(Signed) Louie Keung.

America, July 25th.

Indorsed: Case No. 2488. Plaintiff's Exhibit 11. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

(Copy)

Mr. Louie Gee.

Dear Friend:

I am in receipt of your letter and note its contents. It is not much in demand at the present time, for there is a white man here who often has a small quantity, so I have enough for the present. I will let you know later.

(Seal of Yee Yuen Co.)

(Signed) Ng Hock Jing.

Chinese Republic, 5th month, 25th day.

Indorsed: Case No. 2488. Plaintiff's Exhibit 12. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

July 30, 1912.

My dear Mr. Louie:

I am very sorry in the delaying of my answer to your letter which reached me last week. Its due to the fact that I was taken ill for the last several days. I hope you will excuse me for such a reason. Regarding to the oil you are asking I would like to tell you that it has made an awful jump since I went away. The retail price is 22 and the wholesale price is no less than 19. And besides there are no stock on hand of nobody. I try to get some for my friends back East which caused a great deal of trouble in getting it and yet I could not make a sufficient consignment to meet the demand. Will forward you, if any variety received later. May I thank you for your kind entertainment and

hospitality which you have shown me during my stay in your city.

With best wishes to you and Mrs. Louie.

Yours truly, S. N. DORE.

Indorsed: Case No. 2488. Plaintiff's Exhibit 13. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

Hop Chong & Co.

Dearest wife:

Everything looks O. K. and I have looked over the statements of Jim and the woman there is nothing against me so don't worry but the first hearing come up next Wednesday but I don't that I am going to wait or not. Will let you tomorrow. Hoping that you take care of yourself. Your Chas.

Endorsed: Case No. 2488. Plaintiff's Exhibit 14. United States District Court. Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

THE WESTERN UNION TELEGRAPH COMPANY

J. A. Ralston, c/o Hotel King Edward, Victoria B. C.

I think Rose left on steamer Sol Duc. Chas.

Indorsed: Case No. 2488. Plaintiff's Exhibit 16. United States District Court. Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

(Copy)

Shung Gee.

Cousin:

I beg to inform you that I told you that I bought 68 pieces, but now have recounted them and have only 64 pieces. I wish you would make inquiry about it and let me know.

Write me care of Hop Chong. I will leave here on the ten o'clock train tonight for Portland.

July 24th. (Signed) Louie Hor (?) Keong.

Indorsed: Case No. 2488. Plaintiff's Exhibit 17. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

WESTERN UNION TELEGRAPH COMPANY

J. A. Ralston: PX-Seattle Wn. Jany 13th 1913

Care Hotel King Edward, Victoria, B. C.

I think Rose left on Steamer Soldue. Chas.

231pm

Indorsed: Case No. 2488. Plaintiff's Exhibit 20. United States District Court, Western Dist. of Washington. U. S. vs. Charlie Louie. Filed Oct. 9, 1913.

In the District Court of the United States for the Western District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ORDER ENLARGING TIME

Now on this 3rd day of February, 1914, upon motion of Attorney for Plaintiff in Error and for sufficient cause appearing, it is ordered that the time within which the Clerk of this Court may prepare, certify and transmit to the United States Circuit Court of Appeals the transcript of the record in this cause be, and the same is hereby extended to and including the 5th day of March, 1914.

EDWARD E. CUSHMAN, District Judge.

Indorsed: Order Enlarging Time. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Feb. 4, 1914. Frank L. Crosby, Clerk. By E. M. L. Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ORDER FIXING TIME TO FILE RECORD

Good cause having been shown it is hereby ordered that the Clerk's time for preparing, certifying and transmitting the record in this cause to the United States Circuit Court of Appeals be, and hereby is extended to and including the 4th day of April, 1914.

Done in open Court this 5th day of March, 1914.

JEREMIAH NETERER,

Judge U. S. District Court, West. Dist. of Washington.

Indorsed: Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, March 5, 1914.
Frank L. Crosby, Clerk. By Ed. M. Lakin, Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

ORDER EXTENDING TIME TO FILE RECORD.

Good cause having been shown, it is hereby ordered that the Clerk's time for preparing, certifying and transmitting the record in this cause to the United States Circuit Court of Appeals be, and hereby is, extended to and including the 15th day of April, 1914.

Done in open Court this 1st day of April, A. D. 1914.

JEREMIAH NETERER,

Judge United States District Court, Western District
of Washington.

Indorsed: Order Extending Time to File Record. Filed
in the U. S. District Court, Western Dist. of Washington,
Northern Division, Apr. 1, 1914. Frank L. Crosby, Clerk.
By Ed M. Lakin, Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

JAMES A. RALSTON AND CHARLIE LOUIE, Defendants.

PRAECIPE

To the Clerk of the Above Entitled Court:

You will please include in the record on Writ of Error
the Indictment, Plea Former Acquittal, Demurrer to Plea,
Order Sustaining Demurrer, Verdict, Stipulation Extending
Time to File Bill of Exceptions, Order Extending, Assign-
ment of Errors, Bill of Exceptions, Order Settling Service,
Petition for Writ of Error, Order Allowing, Writ of Error,
Citation, Original Exhibits, Bond, Order for Withdrawing
Exhibits 24 and 19, Order for Withdrawing Exhibit 15,
Translation of Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13,
14, 16, 17, 20.

VANDERVEER & CUMMINGS.

Indorsed: Praecipe. Filed in the United States Dis-
trict Court, Western District of Washington, Jan. 30, 1914.
Frank L. Crosby, Clerk. By Deputy.

In the District Court of the United States for the Western
District of Washington. Northern Division.

No. 2488

UNITED STATES OF AMERICA, Plaintiff,

vs.

CHARLIE LOUIE AND JAMES A. RALSTON, Defendants.

CERTIFICATE OF CLERK U. S. DISTRICT COURT TO
TRANSCRIPT OF RECORD, ETC.

United States of America, Western District of Washington.
—SS.

I, Frank L. Crosby, Clerk of the United States District Court, for the Western District of Washington, do hereby certify the printed pages, numbered from 1 to 67, inclusive, to be a full, true, correct and complete copy of so much of the record, papers and other proceedings in the above and foregoing entitled cause as are necessary to the hearing of said cause on Writ of Error therein in the United States Circuit Court of Appeals for the Ninth Circuit, and as is stipulated for by counsel of record herein, as the same remain of record and on file in the office of the Clerk of said District Court, and that the same constitute the record on return to said Writ of Error herein from the judgment of said United States District Court for the Western District of Washington to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify the following to be a full, true and correct statement of all expenses, costs, fees and charges incurred and paid in my office by or on behalf of the Plaintiff in Error for the preparation and certification of the printed transcript of record issued to the United States Circuit Court of Appeals for the Ninth Circuit in the above entitled cause, to wit:

Clerk's fee (Sec. 828 R. S. U. S. as Amended by Sec. 6, Act of March 2, 1905) for making transcript of the record for printing purposes—226 folios at 30c per folio	\$67.80
Certificate of Clerk to typewritten transcript of record —3 folios90
Seal to said certificate.....	.40
Certificate of Clerk to Original Exhibits—3 folios.....	.90
Seal to said certificate40
	<hr/>
	\$70.40

I hereby certify that the above cost for preparing and certifying record amounting to \$70.40 has been paid to me by Messrs. Vanderveer & Cummings, Attorneys for Plaintiff in Error.

I further certify that I hereto attach and herewith transmit the original Writ of Error and original Citation issued in this cause.

IN WITNESS WHEREOF I have hereto set my hand and affixed the seal of said District Court at Seattle, in said District, this 6th day of April, 1914.

(SEAL)

FRANK L. CROSBY,
Clerk.

CITATION

United States of America—ss.

The President of the United States to the United States of America and to Clay Allen, its attorney, Greeting:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals, for the Ninth Circuit, to be held at the City of San Francisco, in the State of California, within thirty days from the date of this writ, pursuant to a Writ of Error filed in the Clerk's office in the District Court of the United States, for the Western District of Washington, Northern Division, wherein Charlie Louie is plaintiff in error and you, the said United States of America, are defendant in error, to show cause, if any there be, why the judgment in the said Writ of Error

mentioned should not be corrected and speedy justice should not be done to the party in that behalf.

Witness The Honorable Edward Douglass White, Chief Justice of the Supreme Court of the United States the Sixth day of January in the year of our Lord one thousand nine hundred and fourteen.

(Seal)

EDWARD E. CUSHMAN.
United States District Judge for
the Western District of Wash-
ington, Northern Division.

Attest: FRANK L. CROSBY, Clerk.

Service of the within Citation and receipt of a copy thereof admitted this 6th day of January, 1914.

CLAY ALLEN,
United States District Attorney.

Indorsed: Original. No. 2488. In the District Court of the United States for the Western District of Washington, Northern Division. United States of America, Plaintiff, vs. Charlie Louie, et al., Defendant. Citation. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Jan. 6, 1914, Frank L. Crosby, Clerk. By Ed. M. Lakin, Deputy. Vanderveer & Cummings, Solicitors and counsel for Louie. Seattle, Washington.

WRIT OF ERROR

United States of America—ss.

The President of the United States to The Honorable, The Judges of the District Court of the United States, for the Western District of Washington, Northern Division, Greeting:

Because, in the record and proceedings as also in the rendition of the judgment of a plea which is in the said District Court before you, or some of you, between United States of America, Defendant in Error, and Charlie Louie, Plaintiff in Error, which said cause is No. 2488 in the files and records of said Court, a manifest error hath appeared, to the great damage of the said Charlie Louie, Plaintiff in Error, as by their complaint appears.

We being willing that error, if any hath happened, should be duly corrected, and full and speedy justice done to the party aforesaid in this behalf do command you, if judgment be therein given, that then under your seal distinctly and jointly you send the record and proceeding aforesaid with all things concerning the same to the United States Circuit Court of Appeals, for the Ninth Circuit, together with this Writ, so that you have the same at the City of San Francisco, in the State of California, on the 5th day of February, 1914, next in the said Circuit Court of Appeals, to be then and there held, that the record and proceedings aforesaid being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States, should be done.

Witness The Honorable Edward Douglass White, Chief Justice of the Supreme Court of the United States the Sixth day of January in the year of our Lord one thousand nine hundred and fourteen.

FRANK L. CROSBY,
Clerk of the United States District Court, for the Western District of Washington, Northern Division.

Allowed By
(Seal)

EDWARD E. CUSHMAN,
United States District Judge,
for the Western District of Washington, Northern Division.

sion.

Service of the within Writ of Error and receipt of a copy thereof is hereby admitted this 6th day of January, 1914.

CLAY ALLEN,
United States District Attorney.

O.K. CLAY ALLEN, Attorney for Plaintiff.

Indorsed: Original. Cause No. 2488. In the District Court of the United States for the Western District of Washington Northern Division, United States of America, Plaintiff, vs. Charlie Louie, et al., Defendants. Writ of Error. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Jan. 6, 1914, Frank L. Crosby, Clerk. By Ed. M. Lakin, Deputy. Vanderveer & Cummings, Solicitors and counsel for Louie, Seattle, Washington.

